

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
ROANOKE DIVISION**

JAMES PORTER MARINE, JR.,

Plaintiff,

V.

DANIEL HILL,

Defendant.

Case No. 7:22CV00647

OPINION

JUDGE JAMES P. JONES

James Porter Marine, Jr., Pro Se Plaintiff.

The plaintiff, James Porter Marine, Jr., proceeding pro se, filed this civil rights action pursuant to 42 U.S.C. § 1983, in the United States District Court for the Eastern District of Virginia, alleging violations of his constitutional rights. Because the cause of action occurred in this district, the Eastern District transferred the case on November 14, 2022.

This court's initial Order in the case, ECF No. 4, directed Marine to provide specific financial information. It also notified him of his responsibility to keep the court apprised of his current mailing address. The Order warned him that failure to comply with this requirement would result in dismissal of the action without prejudice. It is self-evident that the court must have a viable address by which to communicate reliably with Marine about this case. On December 28, 2022, the

court's mailing of ECF No. 4 was returned as "refused" and thus undeliverable to Marine at the address he had provided. The returned envelope indicated that authorities were unable to forward the mailing.

Based on Marine's failure to comply with the court's Order regarding the need to provide the court with appropriate financial information and a mailing address that would allow reliable communication about his case, I conclude that he is no longer interested in pursuing this civil action. Therefore, I will dismiss the action without prejudice for failure to prosecute. *See Ballard v. Carlson*, 882 F.2d 93, 96 (4th Cir. 1989) (stating pro se litigants are subject to time requirements and respect for court orders and dismissal is an appropriate sanction for non-compliance); *Donnelly v. Johns-Manville Sales Corp.*, 677 F.2d 339, 340-41 (3d Cir. 1982) (recognizing a district court may sua sponte dismiss an action pursuant to Fed. R. Civ. P. 41(b)).

An appropriate Order will issue herewith.

DATED: December 29, 2022

/s/ JAMES P. JONES
Senior United States District Judge